

IDAHO DEPARTMENT OF WATER RESOURCES

11/1/2017

Proof Report

Water Right 29-322

*Before Split***Owner Type**
Current Owner**Name and Address**
DOWNEY PROPERTIES LLC
PO BOX 900517
SANDY, UT 84090
(80 (1)3) 19--7242**Priority Date:** 10/10/1878**Basis:** Decreed**Status:** Active**Source**
BIRCH CREEK**Tributary**
MARSH CREEK**Beneficial Use**

IRRIGATION

From

04/01

To

10/31

Diversion Rate

4.780 CFS

Volume**Total Diversion**

4.780 CFS

Source and Point(s) of Diversion

BIRCH CREEK	NENWNW	Sec. 36, Twp 11S, Rge 36E,	BANNOCK County(R)
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County
BIRCH CREEK	SESENE	Sec. 23, Twp 12S, Rge 36E,	BANNOCK County(R)
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County(I)
BIRCH CREEK	SWNWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County(I)
BIRCH CREEK	SWNWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	25									10.0	17.0	14.0	28.0			30.0	9.9	108.9
11S	36E	26													11.0	2.2	18.0	34.0	65.2
11S	36E	35	1.1																1.1
11S	36E	36	12.0	8.1															20.1
11S	37E	30										8.5	35.0						43.5
												L3	L4						

POU Total Acres: 238.8

Conditions of Approval:

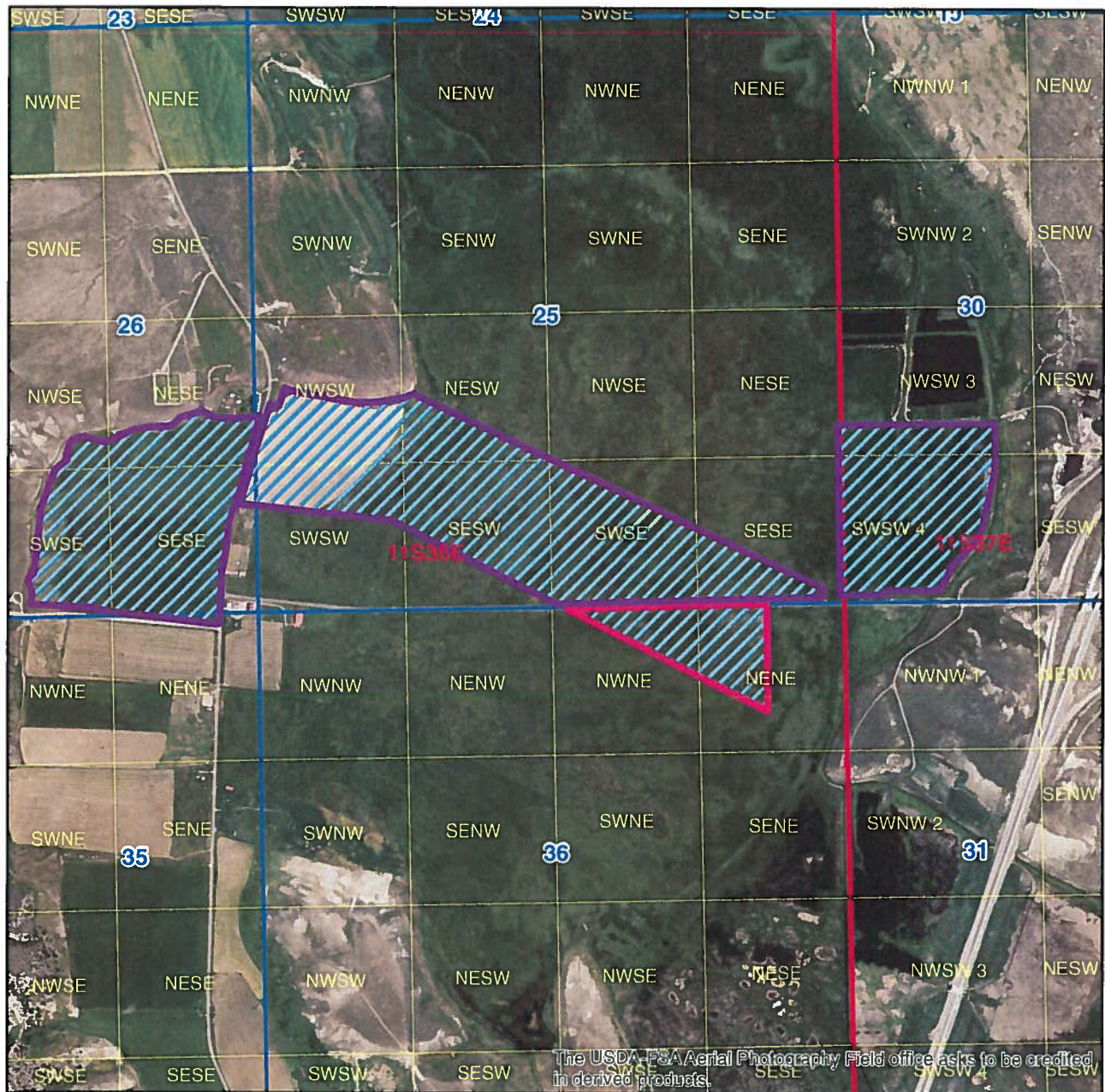
1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 238.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
3. C18 This partial decree is subject to such general provisions necessary for the definition of

Proof Report

the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

4. D08 The amount of water diverted under this water right may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
5. F01 WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).
6. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.78 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources



Legend

-  Heritage 29-320, 29-321 and 29-322
-  Eliason 29-320, 29-321 and 29-322
-  29-320, 29-321 & 29-322
-  Township/Range
-  Sections
-  QQ

IDAHO DEPARTMENT OF WATER RESOURCES

11/28/2017

Proof Report

Water Right 29-322

After Split

Owner Type

Current Owner

Name and Address

HERITAGE WEST PROPERTIES NORTH LLC
 PO BOX 1304
 OGDEN, UT 84402
 (801) 710-8901

Priority Date: 10/10/1878**Basis:** Decreed**Status:** Active**Source**

BIRCH CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

4.380 CFS

Volume**Total Diversion**

4.380 CFS

Source and Point(s) of Diversion

BIRCH CREEK	NENWNW	Sec. 36, Twp 11S, Rge 36E,	BANNOCK County(R)
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County
BIRCH CREEK	SESENE	Sec. 23, Twp 12S, Rge 36E,	BANNOCK County(R)
BIRCH CREEK	SWNWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County(I)
BIRCH CREEK	SWNWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County(I)

Place Of Use

IRRIGATION within BANNOCK County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	25									10.0	17.0	14.0	28.0			30.0	9.9	108.9
11S	36E	26													11.0	2.2	18.0	34.0	65.2
11S	36E	35	1.1																1.1
11S	37E	30										8.5	35.0						43.5
												L3	L4						

POU Total Acres: 218.7

Conditions of Approval:

1. D08 The amount of water diverted under this water right and 29-14236 when combined may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 218.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
3. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL

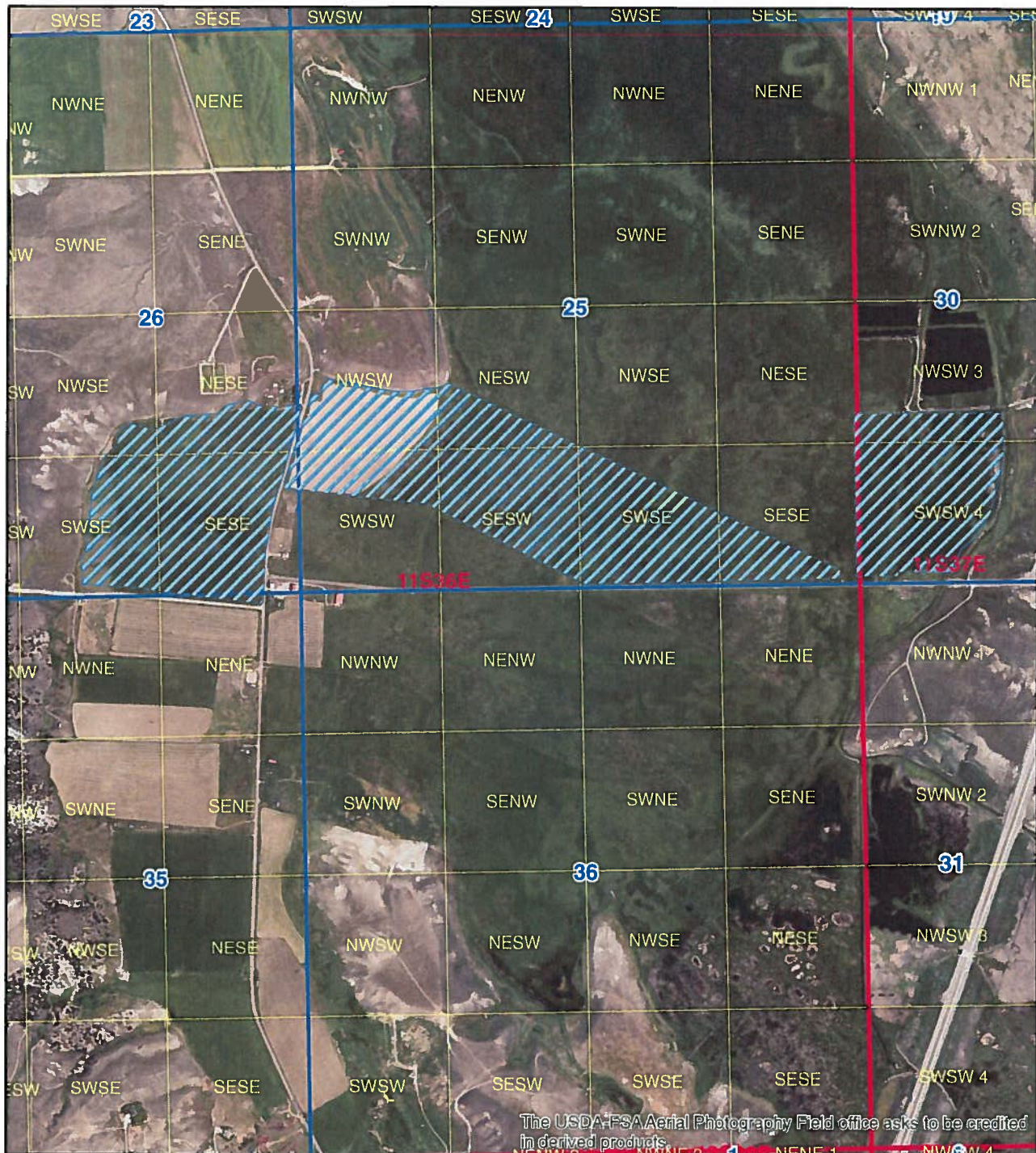
Proof Report

- COMBINED DIVERSION RATE OF 4.38 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
4. F01 WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).
 5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
 6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
 7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

1. aruberry 6/10/2004 Amended DR
AMENDED DIRECTORS REPORT FROM SETTLEMENT CONFERENCE.
2. jbarg 11/28/2017 Ownership Change
water right 29-322 was split into 29-322 & 29-14236
3. jbarg 11/28/2017 POU
Updated Shape

Idaho Department of Water Resources



Legend

-  Place of Use 29-320, 29-321, 29-322
-  Township/Range
-  Sections
-  QQ